



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)**

**Chamber Ref: FTS/HPC/CV/23/2959**

**Re: Property at (1/2) 18 Penrith Drive, Glasgow, G12 0DJ (“the Property”)**

**Parties:**

**Ms Alexandria McPheators Crawford, Whistlers Burn, Gareloch Road, Rhu, G84 8NH (“the Applicant”)**

**Tay Letting Limited, 8 Eagle Street, Craighall Business Park, G4 9XA (“the Applicant’s Representative”)**

**Ms Shawna Milligan, present address unknown and Mr Matthew (Dill) Dowdall, present address unknown (“the Respondent”)**

**Tribunal Members:**

**Ms Susanne Tanner KC (Legal Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondents should pay to the Applicant the sum of TWO THOUSAND FOUR HUNDRED AND SEVENTY SIX POUNDS AND 29 PENCE (£2,476.29) STERLING; and made an Order for Payment in respect of the said sum.**

**Statement of Reasons**

1. On 28 August 2023, the Applicant’s Representative made an Application seeking payment of rent arrears of £4701.29 from the Respondents, together with costs of £450.00 plus VAT. Supporting evidence was produced.

2. The Application was accepted for determination.
3. The Applicant's Representative submitted an Application for service by advertisement with a negative trace report for both Respondents. Service on the Respondents of the Application paperwork was service by advertisement.
4. No written representations were submitted by the Respondents in advance of the CMD and they did not make any contact with the tribunal's administration.
5. A Case Management Discussion (CMD) took place on 16 April 2024 at 1400 by teleconference.
6. The Applicant's Representative, Miss McKendrick attended the CMD on behalf of the Applicant.
7. The Respondents did not attend the CMD. They made no contact with the tribunal after service of the Application paperwork and did not state any defence to the Application.
8. The tribunal decided to proceed with the Application in the absence of the Respondents. The tribunal was satisfied that the requirements of rule 24(1) of the 2017 Rules regarding the giving of notice of a CMD had been duly complied with and proceeded with the Application upon the representations of the party present and all the material before it.
9. The tribunal heard from Ms McKendrick in relation to the Application.
10. She made an application to amend the sum claimed to the lower sum of £2476.29. She stated that the rent arrears as at 16 April 2023 amount to £2476.29. This balance takes account of payments of £375.00 and £750.00 made on 3 November 2023 from a deposit repayment; £1000.00 made by City of Glasgow on 27 October 2023 and £100.00 made by the First Respondent on 19 October 2023.
11. The Respondents have not made any payments towards the rent arrears since the City of Glasgow payment made on their behalf on 27 October 2023.
12. She produced an updated rent ledger dated 16 April 2024 and it was added to the Application paperwork. Ms McKendrick stated that the tenancy started on 29 January 2022 and the rent was £750.00 per calendar month.
13. Ms McKendrick said that she was instructed to seek a payment order in the amount of £2476.29.

14. Ms McKendrick did not seek an order for the costs which were included in the Application.
15. The Applicant's full name is Alexandria McPheators Crawford. The name she uses is Sandra. The second Respondent's full name is Matthew Dowdall. The name he uses is Dill or Matthew. The application was amended. Ms McKendrick said that she called both Respondents today. Ms Milligan did not answer her call. Mr Dowdall answered her call. She spoke to him. He confirmed to her that he was aware of the tribunal proceedings. He told her that he had various financial issues. He did not make any offers to pay the arrears. He did not say that he had any defence to the application. He said that he intended to join the CMD. As noted above, neither Respondent attended the CMD or made any contact with the tribunal after service by advertisement of the Application paperwork.
16. Ms McKendrick stated that the Applicant had been quite reasonable about the arrears and understanding of the Respondents' circumstances but that the Respondents have failed to adhere to a number of payment plans. The last payments made by or on behalf of the Respondents were in October 2023. Ms McKendrick said that there have been arrears problems since 2022.
17. There was no defence to the Application, as amended.

### **Findings-in-Fact**

18. The Applicant is the registered proprietor of the Property.
19. In terms of a Private Residential Tenancy agreement between the parties in respect of the Property, the start date of the tenancy was 29 January 2022.
20. Rent was payable by the Respondents to the Applicant from the start of the tenancy at the rate of £750.00 per calendar month in advance, until the end of the tenancy in July 2023.
21. The rent arrears as at 16 April 2023 amount to £2476.29. This balance takes account of payments of £375.00 and £750.00 made on 3 November 2023; £1000.00 made by City of Glasgow on 27 October 2023 and £100.00 made by the First Respondent on 19 October 2023.
22. The Respondents have not made any payments towards the rent arrears since the City of Glasgow payment made on their behalf on 27 October 2023.

## **Discussion**

23. As the tribunal was satisfied that the Respondent owes £2476.29 to the Applicant by way of rent arrears from the period to 16 April 2024, the tribunal made an Order for Payment of that sum.

24. In addition, the tribunal was satisfied that the Respondent is liable to contractual interest on rent arrears from the date that the instalments fall due until payment at the rate of 2.5 per cent above the base rate of the Bank of England and made a payment order on that basis.

## **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

**Ms Susanne Tanner KC  
Legal Member/Chair**

**16 April 2024**